



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

March 31, 2017

BY ECF

The Honorable Valerie E. Caproni
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Joseph Percoco, et al.*, 16 Cr. 776 (VEC)

Dear Judge Caproni:

The Government respectfully writes in response to the Court's January 25, 2017 order requiring the Government to update the Court weekly with regard to the status of discovery.

To date, the Government has produced approximately 2.01 million pages of documents, including documents obtained in its ongoing investigation, as well as forensic images and extracted user files from 22 electronic devices. The Government has not produced any additional documents since its last update letter, but expects to make available by April 11, 2017 approximately 4,170 pages of documents, which will include additional documents obtained during its ongoing investigation as well as documents released by relevant counsel after having initially been withheld as potentially privileged. At present, the Government is processing for production an additional approximately 48,559 pages of such materials and will produce them as they become available. The Government will continue to process and produce promptly any additional documents it obtains during its ongoing investigation.

Specifically with regard to documents previously withheld as potentially privileged, based on communications between relevant counsel and an Assistant United States Attorney who is walled off from the prosecution team, the Government understands that (i) approximately four documents have been released for production by Joseph Percoco's counsel, and Joseph Percoco's counsel is preparing a privilege log for the remaining withheld documents; (ii) Alain Kaloyeros's counsel expects to provide a privilege log by next week; (iii) counsel for a third party intends to identify documents to release and to provide privilege logs on a rolling basis, to begin the week of

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April 24, 2017; and (iv) the Government continues to work with counsel for another third party to promptly obtain privilege logs and/or release any additional documents.

Respectfully submitted,

JOON H. KIM

Acting United States Attorney

By: /s

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cc: Counsel for all defendants (via ECF)